

FILED
5/26/20 11:39 am
CLERK
U.S. BANKRUPTCY
COURT - WDPA

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re: Martin J Viale and Donna M. Viale,
Debtors.

Nationstar Mortgage LLC d/b/a Mr. Cooper
as servicer for LEHMAN XS TRUST
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2007-6, U.S.
Bank National Association, as Trustee,
successor in interest to Wilmington Trust
Company, as Trustee, successor in interest to
Bank of America National Association, as
Trustee, successor by merger to LaSalle Bank
National Association, as Trustee,
Movant,

v.

Martin J Viale and Donna M. Viale,
Debtors,
Ronda J. Winnecour, Trustee,
Additional Respondent.

CHAPTER 13

BANKRUPTCY CASE NUMBER
19-23752/GLT

11 U.S.C. § 362

Related to Dkt. No. 56

MODIFIED CONSENT ORDER

AND NOW, this 26th day of May 2020, at the Western District of Pennsylvania,
upon consideration of the Motion of Movant for Relief From the Automatic Stay (the
“Motion”), the response if any, and after hearing conducted on May 6, 2020, it is hereby
stipulated and agreed to by Movant and Debtor as follows:

1. Movant’s motion is hereby GRANTED, in part, with the conditions listed below;
2. The automatic stay pursuant Bankruptcy Abuse Prevention and Consumer Protection Act of
2005 (the "Code"), 11 U.S.C. § 362, relief remains in effect for the property located at
3658 Watson Road, Stow, NY 14785 (the “Property”), provided Debtors cure the
Chapter 13 plan arrears to the Trustee on or before September 1, 2020;

3. Debtors agree to resume making to the Trustee the regular Chapter 13 plan payments currently in the amount \$4,950.00, or as same may be adjusted from time to time in accordance with Court Order or Notice of Payment Change filed;
4. Debtors are to remain current on their Chapter 13 plan payments to the to the Trustee;
5. Should Debtors' regular monthly mortgage payment amount change, Movant shall notify Debtors and the Trustee of such change, and the monthly payment amount due under the terms of the Plan shall change accordingly;
6. In the event that Debtors fail to make any of the payments set forth above, Movant may file a Certification of Default with the Court, and upon the filing of the Certification, the Court may enter an Order granting Movant relief from the Automatic Stay as to the Property.
7. Upon certification of default by Movant's counsel, the Automatic Stay of all proceedings, as provided under Section 362 of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (the "Code"), 11 U.S.C. § 362, as to property located at 3658 Watson Road, Stow, NY 14785 is lifted to allow Movant, or its successors, if any, to proceed with, or to resume proceedings in Mortgage Foreclosure, including, but not limited to Sheriff's or Marshal's Sale of 3658 Watson Road, Stowe, NY 14785; and to take action, by suit or otherwise as permitted by law, in its own name or the names of its assignee to obtain possession of said premises; and it is
8. Pursuant to 11 U.S.C. §362(d)(4) upon lifting of the Automatic Stay, any future bankruptcy cases filed by Debtor, Co-Debtor, or their successors, assigns, or any other persons, will not stay any actions taken by Movant or its successors from proceeding with enforcement of its right to possession of, or title to, the Property.

Dated: 5/15/2020

/s/Kristen D. Little Kristen
D. Little, Esquire Attorney
for Movant

Dated: 5/15/2020

/s/Brian C. Thompson
Brian C. Thompson,
Esquire Attorney for
Debtors

**AND NOW, 26th day of May 2020, it is hereby ORDERED that the foregoing
Consent Order is approved, shall be, and is made an Order of this Court.**

BY THE COURT:



**HONORABLE GREGORY J. TADDONIO
UNITED STATES BANKRUPTCY JUDGE**

Certificate of Notice Page 4 of 4
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Martin J Viale
 Donna M. Viale
 Debtors

Case No. 19-23752-GLT
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dkam
 Form ID: pdf900

Page 1 of 1
 Total Noticed: 1

Date Rcvd: May 26, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 28, 2020.
 db/jdb +Martin J Viale, Donna M. Viale, 30 Ashley Road, Gibsonia, PA 15044-7836

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 28, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 26, 2020 at the address(es) listed below:

Anthony T. Kovalchick on behalf of Creditor Dep't of Revenue Office of Attorney General
 akovalchick@attorneygeneral.gov
 Ashleigh Levy Marin on behalf of Creditor Citibank, N.A., as Trustee for CMLTI Asset Trust
 amarin@feinsuch.com, pabankruptcy@feinsuch.com
 Brian C. Thompson on behalf of Debtor Martin J Viale bthompson@ThompsonAttorney.com,
 blemon@thompsonattorney.com;mgillespie@thompsonattorney.com;bthompson@ecf.courtdrive.com;jgorze@t
 hompsonattorney.com;jcastello@thompsonattorney.com;kbelko@thompsonattorney.com
 Brian C. Thompson on behalf of Joint Debtor Donna M. Viale bthompson@ThompsonAttorney.com,
 blemon@thompsonattorney.com;mgillespie@thompsonattorney.com;bthompson@ecf.courtdrive.com;jgorze@t
 hompsonattorney.com;jcastello@thompsonattorney.com;kbelko@thompsonattorney.com
 James Warmbrodt on behalf of Creditor Bayview Loan Servicing, LLC bkgroup@kmlawgroup.com
 Jeffrey R. Hunt on behalf of Creditor Township of West Deer jhunt@grblaw.com,
 cnoroski@grblaw.com
 Jeffrey R. Hunt on behalf of Creditor County of Allegheny jhunt@grblaw.com,
 cnoroski@grblaw.com
 Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,
 jbluemle@bernsteinlaw.com
 Kristen D. Little on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper et al
 pabk@logs.com, klittle@logs.com
 Michael John Clark on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper et al
 pabk@logs.com
 Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
 Ronda J. Winnecour cmecf@chapter13trusteedpa.com
 S. James Wallace on behalf of Creditor Peoples Gas Company LLC, f/k/a Peoples TWP LLC
 sjw@sjwpgh.com, srk@sjwpgh.com;PNGbankruptcy@peoples-gas.com
 Sindi Mncina on behalf of Creditor U.S. Bank National Association smncina@rascrane.com
 Thomas Song on behalf of Creditor Bayview Loan Servicing, LLC pawb@fedphe.com
 Wade T. Doerr on behalf of Creditor THE HUNTINGTON NATIONAL BANK wade@nwm-law.com
 TOTAL: 16